

IT IS HEREBY ORDERED THAT:

1. The Receiver's Motion for entry of an Order Approving the Form and Manner of Notice to Claimants and Establishing a Claims Bar Date is GRANTED;

2. Following the entry of this Order, the Receiver is ORDERED to send notice, substantially in the form set forth as Exhibit "A" hereto, via first-class mail, postage prepaid, to those persons or entities, other than the U.S. Small Business Administration and parties contracted or retained by the U.S. Small Business Administration as Receiver, which the Receiver has reason to believe are creditors, agents, former directors or officers, employees, partners, participant investors or lenders with New Vista, portfolio concerns or limited partners of New Vista, and to any other persons or entities who have, during the term of the receivership, asserted a claim (of whatever kind or merit) against New Vista, the receivership estate, or assets or funds in the possession of the Receiver;

3. The Receiver is further ORDERED to publish notice, substantially in the form set forth in Exhibit "A" hereto, once each week for two weeks in *The Santa Clara Weekly* and in the *San Jose City Times*, each of which is, a newspaper of general circulation;

4. This Court further ORDERS that it finds that notice provided in the form and manner described in Paragraphs 2 and 3 of this Order is reasonable notice, under the circumstances, to persons or entities who may have claims against New Vista, the receivership estate, or assets or funds in the possession of the Receiver;

5. All persons or entities having claims against New Vista, or the receivership estate, or assets or funds in the possession of the Receiver, other than the U.S. Small Business Administration and parties contracted or retained by the U.S. Small Business Administration as Receiver, are ORDERED to file such claims in writing and in the form prescribed in paragraph 6

1 of this Order, with the Receiver, c/o Richard Moser, Member, Phoenix Management Partners,
2 LLC, Principal Agent for SBA, Receiver for New Vista Capital Fund, L.P., 666 11th Street,
3 N.W., Suite 200, Washington, D.C. 20001, within thirty (30) days of the last day of notice by
4 publication, which date will be stated in the mailed and published notices;
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6 6. In setting forth a claim against New Vista, the receivership estate or assets or
7 funds in the possession of the Receiver, all persons and entities are ORDERED to state in
8 writing: (1) the full name and address and telephone number of the claimant; (2) the amount of
9 the claim; (3) the specific grounds for each claim; and (4) the date on which the obligation was
10 allegedly incurred by New Vista, and (5) to provide at the time of filing such written claims any
11 and all documents or other materials which the claimant believes supports the claim or might
12 assist the Receiver in evaluating the claim;
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14 7. In the event that the Receiver recommends denial of any claim, it is ORDERED
15 that the Receiver is authorized and directed to move for summary disposition of said claim(s)
16 and to furnish a copy of the moving papers to the claimant(s); in such case the claimant may
17 respond within 30 days, serving a copy of its response on the Receiver, and the Court will
18 resolve said claim(s) expeditiously through a summary procedure that the Court will determine at
19 that time; and
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21 8. To give effect to the "claims bar date" established in Paragraph 5 of this Order, by
22 which date claims must be filed or shall forever be barred, it is further ORDERED that any
23 persons or entities, other than the U.S. Small Business Administration and parties contracted or
24 retained by the U.S. Small Business Administration as Receiver, which fail to file a claim against
25 New Vista, the receivership estate, or assets or funds in the possession of the Receiver, in the
26 form and by the time and date required by this Order, shall be forever barred and permanently
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1 enjoined from asserting, pursuing or prosecuting any such claims, of any kind or nature, whether
2 now known or unknown, against New Vista, its Receiver, their successors or assigns, or against
3 assets or funds in the possession of the Receiver.
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6 IT SO ORDERED: This, 8/18/06, in San Jose, California.

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9 HONORABLE JEREMY FOGEL
10 United States District Court Judge

11 Copies To:

12 Edwin L. Joe
13 Special Assistant United States Attorney
14 455 Market Street, Sixth Floor
15 San Francisco, CA 094105
16 Telephone: (415) 744-8494
17 Facsimile: (415) 744-6812

18 Arlene M. Embrey
19 Trial Attorney
20 U.S. Small Business Administration
21 Receiver for New Vista Capital Fund, L.P.
22 409 Third Street, S.W., 7th Floor
23 Washington, DC 20416
24 Telephone: (202) 205-6976
25 Facsimile: (202) 481-0324

26
27 Richard Moser, Member, Phoenix Management Partners, LLC
28 Principal Agent for the Receiver
SBA, Receiver for New Vista Capital Fund, L.P.
666 11th Street, N.W., Suite 200
Washington, D.C. 20001-4542
Telephone: (202) 272-3617
Facsimile: (202) 504-2247

(EXHIBIT A)

**NOTICE TO ALL CREDITORS OR CLAIMANTS OF
NEW VISTA CAPITAL FUND, L.P.**

By Order of the U.S. District Court for the Northern District of California, San Jose Division, dated _____, persons or entities who wish to assert a claim against New Vista Capital Fund, L.P. L.P. ("New Vista") must do so by filing a written claim with the Receiver on or before [date thirty (30) days after last date of notice by publication]. All previously submitted claims against New Vista or its Receiver must be resubmitted in accordance with this Notice.

New Vista, a Delaware limited partnership, is a Small Business Investment Company ("SBIC") licensed by the U.S. Small Business Administration ("SBA"). New Vista has been in receivership since December 8, 2005 by Order of the Court identified above, entered in Case No. C05-4187 JF, U.S.A. v. New Vista Capital Fund, L.P.,

Any person or entity asserting a claim against New Vista or assets or funds in the hands of the Receiver, must do so in writing, and forward such claim to:

SBA, Receiver for New Vista Capital Fund, L.P.
Richard Moser, Member
Phoenix Management Partners, LLC, Principal Agent
666 11th Street, N.W., Suite 200
Washington, D.C. 20001-4542

Claims must be received no later than 5:00 p.m. E.S.T., [date thirty (30) days after last date of notice by publication].

Your claim must state: (1) the full name, address and telephone number of the claimant; (2) the amount of the claim; (3) the specific grounds for each claim; (4) the date on which the obligation was allegedly incurred by New Vista or the Receiver; and (5) must attach all other documents or materials which support the claim, or which the Receiver might require in evaluating the claim. If you fail to provide any of the specified information, your claim will be deemed incomplete and untimely.

Failure to present a complete and timely claim to the Receiver on or before (Date) will result in your claim being forever barred, and you will not thereafter be able to make a claim against New Vista, or any other assets or funds in the possession of the Receiver.

U.S. SMALL BUSINESS ADMINISTRATION
As Receiver for New Vista Capital Fund, L.P.